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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/839,027	04/19/2001	David A. Holcomb	200017.432	2394	
500	7590 09/30/2002			,	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			EXAMINER		
			BRAY, WAYMOND D		
		ART UNIT	PAPER NUMBER		
			3725		
			DATE MAILED: 09/30/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 09/839,027

Applicant(s)

Holcomb, et al

Office Action Summary

Examiner

Art Unit W. Donald Bray

3725

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE		The MAILING DATE of this communication appears	on the cover s	sheet with t	the correspondence address		
THE MALING DATE OF THIS COMMUNICATION. **Criteration at Dirange by earliest active the provision of 37 CR1.138 (e). In ne event, however, may a reply be timely filed after SIX (e) MONTHS from the mailing date of this communication. If No period for row's appecified above, the maximum statutory period will epply and will expire SIX (ii) MONTHS from the mailing date of this communication. If No period for row's appecified above, the maximum statutory period will expire SIX (ii) MONTHS from the mailing date of this communication. February to rely with the set or strained period for reply will, by statutor, exame the application to become ARAMOLOGIS 51 SIX (s) 13.33. Any reply received by the Office later than these inentities after the mailing date of this communication, even if timely filed, may reduce any searce pount term application is of CR1. The ARAMOLOGIS of CR1. The ARAMOLOG	Period f	or Reply .		0	MONTHELEDOM		
Extensions of time may be available under the provision of 37 CFR 1.136 (a). In or event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of this communication. If the partied for reply appelfied devove is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If the partied for reply appelfied devove is less than thirty (30) days, a reply within the statutory period will apply and will explicit SIX (8) MONTHS from the mailing date of this communication. If the partied for reply appelfied devove, the maximum statutory period will apply and will explicit so the provided period to the communication. If the partied for reply appelfied devove, the maximum statutory period will apply and will explicit so the provided period to the communication. If the partied to reply within the set or extended proved for reply will, by statute, cause the application to become ABANDORD (150 U.S.C. \$ 133). Any usely received by the Office into the through a statutory period will apply and the communication. Responsive to communication(s) filled on							
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Status 1	- Any re	ply received by the Office later than three months after the mailing date of the	his communication	, even if timely	filed, may reduce any		
1) Responsive to communication(s) filed on		patent term adjustment. See 37 CFR 1.704(b).					
3		Responsive to communication(s) filed on			·		
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-37	2a) 🗌	This action is FINAL . 2b) 💢 This action	ion is non-fin	al.			
All Of the above, claim(s) 1-37 is/are pending in the application.	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.						
4a) Of the above, claim(s)	Disposit	tion of Claims					
Signary and Signary	4) 💢	Claim(s) <u>1-37</u>			is/are pending in the application.		
claim(s)	4	a) Of the above, claim(s)			is/are withdrawn from consideration.		
7) □ Claim(s)	5) 🗆	Claim(s)			is/are allowed.		
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	6) 🗆	Claim(s)			is/are rejected.		
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		application from the International Bure	au (PCT Rule	17.2(a)).			
14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).							
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a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
		·	p. 1011ty and	22 3.3.			
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)	_		4) Interview	Summary (PTC	0-413) Paper No(s)		
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)			t Application (PTO-152)			
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Dther:							

Application/Control Number: 09/839,027

Art Unit: 3725

This application contains claims directed to the following patentably distinct species of the claimed invention:

As for example, the species of Figs. 1; 4 and 5 respectively.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 20 and 37 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Application/Control Number: 09/839,027

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Any inquiry concerning this communication should be directed to W. Donald Bray at telephone number 703-308-1871.

W. D. Bray

September 26, 2002